

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TYRESE FIELDS,)
)
 Plaintiff,)
)
 v.) No. 4:23-cv-1198-RHH
)
 COM. JENNIFER CLEMONS-ABDULLAH,)
 et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. On November 2, 2023, the Court granted plaintiff *in forma pauperis* status, reviewed the complaint pursuant to 28 U.S.C. § 1915(b)(1), and directed plaintiff to file an amended complaint to cure his pleading deficiencies. ECF No. 7. On November 6, 2023, the Court received notice from plaintiff that he had moved from the St. Louis City Justice Center to the Eastern Reception Diagnostic and Correctional Center (“ERDCC”). ECF No. 8. On December 7, 2023, the Court issued an Order noting that plaintiff had not filed an amended complaint as instructed, but provided him with an additional thirty days in the event that he did not receive the Court’s November 2nd Order due to the institutional transfer. ECF No. 9.

On January 8, 2024, the November 2nd Order addressed to plaintiff at the St. Louis City Justice Center was returned to the Court marked “return to sender” and “unable to forward.” ECF No. 10. On January 26, 2024, the second Memorandum and Order, dated December 7, 2023, that the Court had addressed to plaintiff at the ERDCC was returned marked “return to sender” and “not deliverable as addressed.” ECF No. 11. The Jail stamped the envelope with the notation, “Need Correct Name and DOC No. (they do not match).” *Id.* ECF No. 11. The Order was resent

to the ERDCC. On February 5, 2024, the Court once again received the mail returned and marked, “return to sender,” “refused,” “unable to forward.” ECF No. 12. The Jail stamped the envelope with the notation, “Need Correct Name and DOC No.” and “RETURN TO SENDER RELEASED.” *Id.*

Local Rule 2.06(B) states:

Every self-represented party shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address and telephone number. If any mail to a self-represented plaintiff or petitioner is returned to the Court without a forwarding address and the self-represented plaintiff or petitioner does not notify the Court of the change of address within thirty (30) days, the Court may, without further notice, dismiss the action without prejudice.

In this case, more than thirty days have passed since the mail was last returned on February 5, 2024, and plaintiff has not notified the Clerk of Court of any change of address. The Court will therefore dismiss this action without prejudice pursuant to Local Rule 2.06(B). This dismissal will not count as a “strike” for purposes of 28 U.S.C. § 1915(g).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED without prejudice** pursuant to Local Rule 2.06(B) for failure to notify the Court of plaintiff's change of address.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 14th day of March, 2024.


JOHN A. ROSS
UNITED STATES DISTRICT JUDGE